

USADA / Landis Arbitration
May 14 - 23, 2007
USADA's Closing Statement

WADA TD2004EAAS:

THE WADA CRITERIA CONTROLS IN THIS CASE

The results will be reported as consistent with the administration of a steroid when the $^{13}\text{C}/^{12}\text{C}$ value measured for the metabolite(s) differs significantly i.e. by 3 delta units or more from that of the urinary reference steroid chosen. In some *Samples*, the measure of the $^{13}\text{C}/^{12}\text{C}$ value of the urinary reference steroid(s) may not be possible due to their low concentration. The results of such analyses will be reported as "inconclusive" unless the ratio measured for the metabolite(s) is below -28‰ based on non-derivatised steroid.

THE EVIDENCE CONFIRMS THE ADVERSE ANALYTICAL FINDING

	5 alpha diol – PdIol	5 beta diol – PdIol	Andro – 11 ketoetio	Etio – 11 ketoetio
Respondent A sample	-6.14	-2.15	-3.99	-2.58
Respondent B sample	-6.39	-2.65	-3.51	-2.02

Table of A & B Results

BP Optima GC 167-2 - Manual DP

File Edit View Calculate Report Parameters Status Help

Date

Filename: DATA_009

Folder: 230706

Date: 23/07/06

Time: 12:24:59

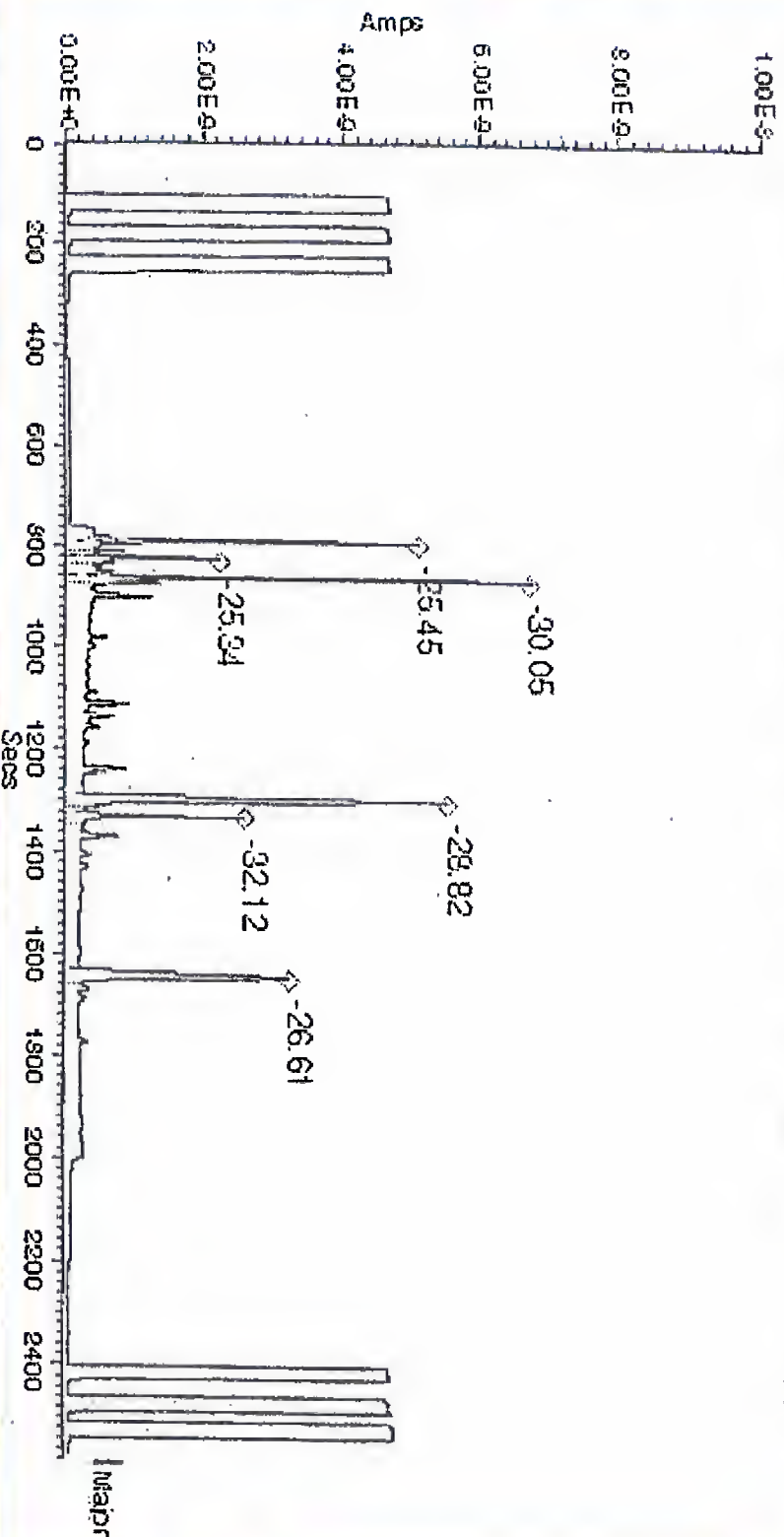
Comment: 178/07 995474 F3145ulini 2ul:

Parameters

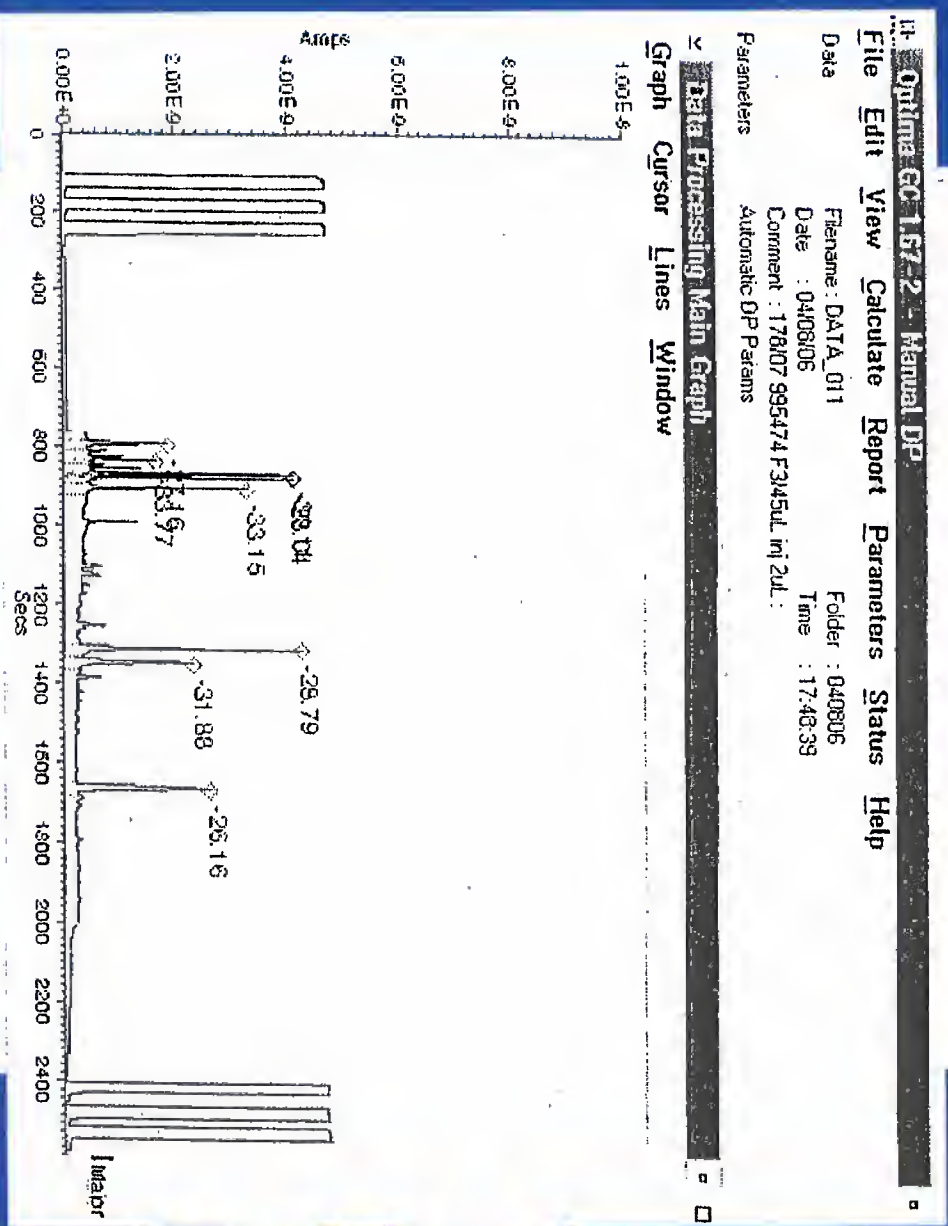
Automatic DP Params

Data Processing Main Graph

Graph Cursor Lines Window



THE KEY A & B CHROMATOGRAMS ARE PROOF POSITIVE



USADA 0349

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Exh. 25, USADA0349

UCI CYCLING REGULATIONS

Event:

A single *Competition* organized separately (for example: a one day road race, a stage race) or a series of *Competitions* conducted together as a single organization (for example: road World Championships, track World Championships, a track World Cup event); a reference to *Event* includes reference to *Competition* and *Race*, unless the context indicates otherwise.

In-Competition:

In-Competition refers to the period that starts one day before or, in the case of a major tour, three days before the start of an *Event* and finishing at midnight of the day on which the *Event* finishes.

However, regarding the Presence or Use of a prohibited substance as defined in the *Prohibited List*, *In-Competition* refers to the period starting 8 (eight) hours before the start of a *Race* in which the Rider is competing or for which he has been confirmed as a starter and finishing at the end of the *Post-Competition* testing session that is organized following the *Race*.

International Standards:

Standards adopted by WADA in support of the *Code*. Compliance with the *International Standards* (as opposed to other alternative standards, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standards* were performed properly.

UNLESS THESE MONITORING RULES, INTENTUALLY IS WRITTEN AS A SUSPENSION AS DESCRIBED IN ARTICLE 12.1.033 OF THE UCI CYCLING REGULATIONS.

Ineligibility also means that the Licenseholder is barred, for the period of *ineligibility*, from participating in any *Competition* or other activity organized or authorized by any *Signatory* or *Signatory's* member organization, and from any funding as provided in article 10.9 of the *Code*.

International Event / Competition / Race:

An *Event*, *Competition*, *Race* of the international calendar of the UCI.

International Standards:

Standards adopted by WADA in support of the *Code*. Compliance with the *International Standards* (as opposed to other alternative standards, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standards* were performed properly.

UCI CYCLING REGULATIONS

Methods of establishing facts and presumptions

- 17.** Facts related to anti-doping rule violations may be established by any reliable means, including admissions.

- 18.** WADA-accredited laboratories or as otherwise approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the *International Standard* for laboratory analysis. The *Rider* may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Rider* rebuts the preceding presumption by showing that a departure from the *International*

- 18.** WADA-accredited laboratories or as otherwise approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the *International Standard* for laboratory analysis. The *Rider* may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Rider* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then the UCI or the National Federation shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

CHAPTER THE PROHIBITED LIST

- 21.** These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in article 4.1 of the Code. The UCI will publish the current *Prohibited List* also in UCI's Official News Bulletin.

Comment: 1) the *Prohibited List* currently in force may also be found on UCI's website at www.uci.ch.

2) Most sections of the *Prohibited List* refer to categories of *Prohibited Substances* or *Prohibited Methods*, while only a limited number of these *Substances* or *Methods* are listed under that category; yet other *Substances* or *Methods* than those recited are prohibited as is indicated for the respective categories.

SCIENTIFICALLY SOUND PROCESS

7.10. The data summarized in the above two tables allow to draw the following observation:

- a) the difference of the δ values between pregnanediol and 5-alpha-diol is always greater than 3, for both the "A" and the "B" sample, regardless the protocol followed to process/reprocess the relevant EDF;
- b) the difference of δ values between pregnanediol and 5-alpha-diol is maximal if the EDFs are reprocessed by the new instrument, both on the "A" and on the "B" samples;
- c) the difference of the δ values of 11-keto- ϵ -cholestanolone and ϵ -cholestanolone is always smaller than 3, for both the "A" and the "B" sample, regardless the protocol followed to process/reprocess the relevant EDF;
- d) both on the "A" and on the "B" samples, the difference of the δ values of 11-

7.11. The above data also show that the manual subtraction of the background performed by the Paris laboratory, apart from being covered by their internal Standard Operating Procedures, appears to be a scientifically sound process, aimed to improve the quality of the signal and, therefore, the reliability of the obtained results, and not to alter the results of the analysis. This is particularly evident if one considers that the

- a) alpha-diol greater than 3 also for the negative reference urine;
- b) data obtained by the reprocessing of the EDFs on the new instrument gave rise, on the occasion of the analysis of the "B" sample, to a value of the δ difference between pregnanediol and 5-alpha-diol greater than 3 also for the negative reference urine.

7.11. The above data also show that the manual subtraction of the background performed by the Paris laboratory, apart from being covered by their internal Standard Operating Procedures, appears to be a scientifically sound process, aimed to improve the quality of the signal and, therefore, the reliability of the obtained results, and not to alter the results of the analysis. This is particularly evident if one considers that the totally automatic reprocessing of the EDFs on the old instrument gave rise to a value of the difference between pregnanediol and 5-alpha-diol greater than 3 also for the negative reference urine, both on the occasion of the "A" and the "B" sample analysis.

7.12. Apart from the numeric data, the appropriateness of the manual subtraction of the background is also evident from the comparison, between the manual and the automatic subtraction of the background, of the baseline of the upper part of the plots reported on the graphical page of the relevant, reprocessed outputs.

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USADA 1645

MANUAL PROCESSING OF DATA IS NOT AN ISL VIOLATION

passwords or other means of employee recognition and identification. These include, but are not limited to account privileges, user identification codes, disk access, and file access control.

5.4.4.4.1.2 The operating software and all files shall be backed up on a regular basis and a current copy kept off site at a secure location.

5.4.4.4.1.4 All data entry, recording of reporting processes and all changes to reported data shall be recorded with an audit trail. This shall include the date and time, the information that was changed, and the individual performing the task.

program for the maintenance and calibration or equipment according to ISO 17025 Section 5.5.

5.4.5.3 General service equipment that is not used for making measurements should be maintained by visual examination, safety checks, and cleaning as necessary. Calibrations are only required where the setting can significantly change the test result. A maintenance schedule shall be established for items such as fume hoods, centrifuges, evaporators, etc, which are used in the test method.

5.4.5.4 Equipment or volumetric devices used in measuring shall have periodic performance checks along with servicing, cleaning, and repair.

5.4.5.5 Qualified subcontracted vendors may be used to service, maintain, and repair measuring equipment.

5.4.5.6 All maintenance, service, and repair of equipment must be documented.

The Separate Phases of Analysis

Sample	Date	Results
A Sample	July 25, 2006	ETF*
B Sample	August 5, 2006	ETF*
Reprocessing	May 4-5, 2007	ETF* (4 Ways in both A & B)
Further Analysis	April 16-23, 2007	ETF* (4 Samples)

*ETF: Exogenous Testosterone Found

REPROCESSING VALIDATES RESULTS

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A Sample									
E-11K	-2.58	-1.72	-2.32	-1.76	-2.18				
A-11K	-3.99	-3.14	-3.65	-2.94	-3.78				
5B-P	-2.15	-1.70	-2.65	-2.08	-2.63				
5A-P	5.14	-0.02	-6.05	5.15	-7.22				
B Sample									
E-11K	-2.02	-0.32	-0.35	-1.66	-2.39				
A-11K	-3.51	-1.67	-1.61	-2.81	-4.01				
5B-P	-2.65	-3.37	-3.05	-2.33	-2.80				
5A-P	-6.39	-7.81	-7.19	-5.56	-7.03				

Blanks		Original Result		Auto		Manual		Zero		Masslynx	
A Sample											
E-11K	-0.97	-0.97	-0.56	-0.06	0.09						
A-11K	-0.48	-0.49	-0.53	-0.02	-0.59						
5B-P	-0.55	-0.82	-0.27	-0.47	-1.00						
5A-P	-1.39	-3.65	-1.87	-1.46	-2.45						
B Sample											
E-11K	-1.08	-1.11	-0.94	-0.25	-0.51						
A-11K	-0.08	0.03	0.17	0.83	0.55						
5B-P	-0.67	-1.33	-0.69	-0.54	-1.52						
5A-P	-1.60	-3.46	-1.89	-1.24	-3.66						

GDC01350

GDC01350

MULTIPLE LAYERS OF CORROBORATING EVIDENCE

Table 3

Collection Date	Blind Sample #	UCI Sample #	Salpha diol-Pdiol	Sheta diol-Pdiol	Andro-11 Keto	Etio-11 Keto	LNDD Page #
7/3/2006	993865	995462	—	-1.04	0.22	-0.95	LNDD1488
7/11/2006	993856	994203	-2.91	-1.05	-0.25	-1.29	LNDD1391
7/13/2006	993855	994277	-4.62	-4.09	-1.99	-2.32	LNDD1106
7/14/2006	825425	994276	-1.01	-0.70	-1.70	-1.04	LNDD1297
7/18/2006	825428	994075	-5.06	-3.56	-1.22	-1.89	LNDD0915
7/20/2006	*****	995474A	-6.14	-2.15	-3.99	-2.58	USADA0186
7/20/2006	*****	995474B	-6.39	-2.65	-3.51	-2.02	USADA0352
7/22/2006	825429	994080	-4.80	-1.67	-1.36	-1.68	LNDD1012
7/23/2006	825424	994171	-4.96	-1.45	-0.64	-1.43	LNDD0725
Aguilera	825427	**NL1**	-1.31	-0.95	0.00	-0.94	LNDD1582
Aguilera	825426	**NL2**	-0.77	-0.88	0.32	-0.74	LNDD0820
Aguilera	825423	**NL3**	-1.21	-0.79	0.09	-0.91	LNDD1203

FLOYD LANDIS

1. To:

USA CYCLING
To Mr. Stephenson
By fax: +1 719 715 2023 / +1 719 866 4638

2. Copy:

(i) INTERNATIONAL CYCLING UNION (UCI)
To Mr. Christian Vasth
By fax: +41 24 458 5812

(ii) USADA
To Mr. Travis Tysert
By fax: +1 719 385 2001

(iii) LIND - Laboratoire National de l'Empoisonnement et des Maladies
To Mr. Jacques de Ceauriz
By fax: +33 1 4609 2017

(iv) PHONAK HEARING SYSTEMS
To Mrs. Monika Zuercher
By fax: +41 55 254 7011

31st July 2006

Dear Sir,

I have received on the 26th July from my team PHONAK HEARING SYSTEMS copy of a letter sent by UCI that same day concerning my testing positive (T+) in the Tour de France on the stage of the 20th July.

By means of this letter:

- (i) I formally request the sample analysis in accordance with articles 191 and 191bis of the Anti Doping Rules (ADR).
- (ii) I appoint as my legal representatives Mr Luis Sant Hernandez and Mr José M. Buesca Molinero, lawyers in Madrid (Spain). I request that any formal correspondence concerning this issue is sent to the latter (Mr José M. Buesca Molinero, BUESCA MOLINERO ABOGADOS, Calle José Ortega y Gasset nº 29, 28002 - Madrid, T +34914561324, F +34914561329, e-mail: jm.buesca@buescamolinero.com). According to article 195 ADR, they will attend the opening of sample B.
- (iii) I appoint as the expert who will attend the sample B analysis on my behalf Dr. Claude G. Doré, Department of Clinical Chemistry, University Hospital Maastricht.
- (iv) I require a copy of the complete analysis report for sample A that should be sent to my legal representatives as soon as possible.

31/07/2006 19:10 914363919

MADRID BUESCA MOLINERO

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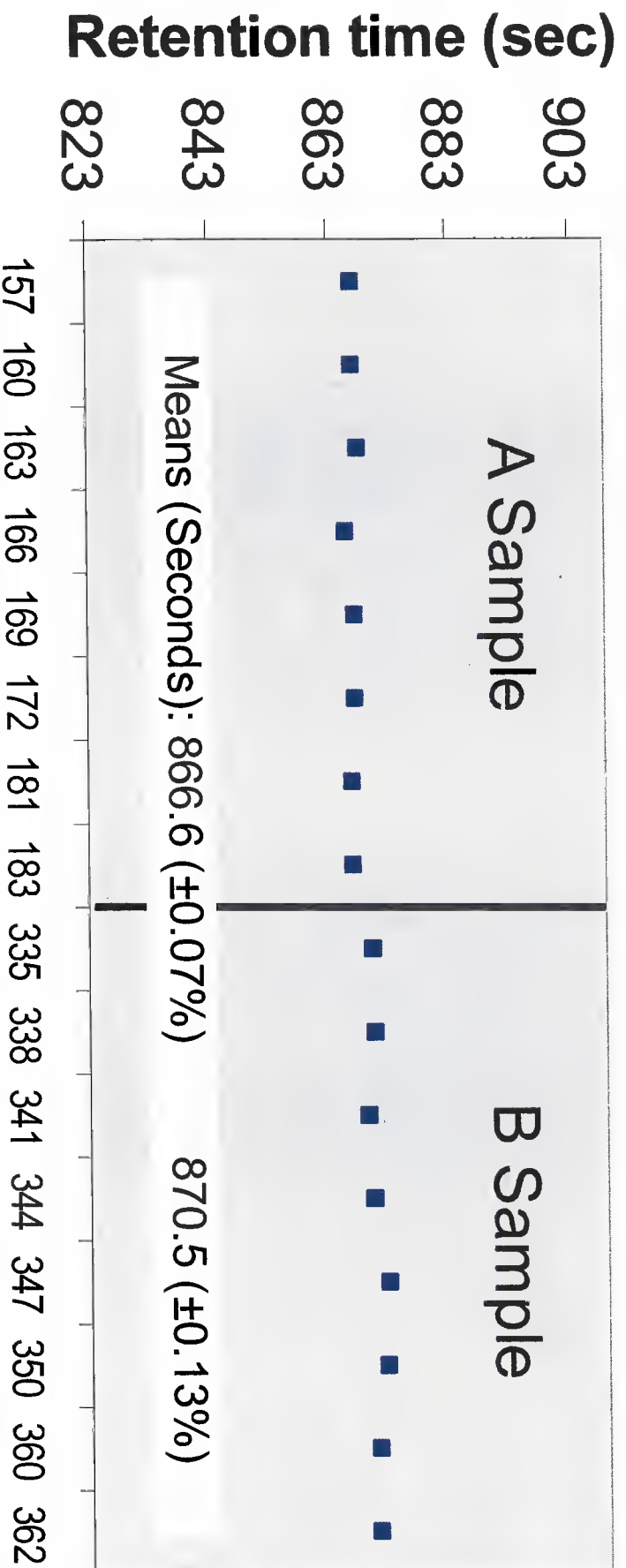
(v) I require from the medical services at the UCI a thorough endocrinological study to be carried out in a specialised medical centre in Europe and the United States.

Yours sincerely,

Floyd Landis
Licence 0020372 - UCI Code USA 1975104

USADA0239, USADA0240

Retention time for the internal standard, A and B samples





INTERNATIONAL CYCLING UNION

Holmes Roberts and Owen LLP
Mr. Richard Young Esq
Managing Partner
90 South Cascade Avenue,
Suite 1300
Colorado Springs, CO 80903
UNITED STATES of AMERICA

Algle, 1 May 2007
Ref: Antidoping / AGr

Dear Mr Young,

Further to our telephone conversation this afternoon, I provide the information relating to the number and nature of Anti-Doping Rule Violations Incurred by riders tested under UCI authority during the period 2002 to 2006.

The table below sets out the information requested.

Year	ADRVs	Total Anabolics (including Testosterone)	Testosterone
2002	111	23	5
2003	92	12	2
2004	89	4	1
2005	61	19	9
2006	43	9 (+ 5 in progress)	1 (+ 1 in progress)

I trust this information is of assistance. Please feel free to contact me further on the numbers below.

Yours sincerely,

Anne Gripper
Manager, Anti-Doping Services